Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERIC C. ANDERSON and MIKE MASUKAWA

Appeal No. 2002-1137
Application No. 08/761,854

ON BRIEF

Before BARRETT, BARRY, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 2, 6, and 14-19, which are all the claims remaining in the application.

We reverse.

BACKGROUND

The invention is directed to method and apparatus for minimizing image file naming conflicts related to images captured by a digital camera with respect to images downloaded to the camera from an external source (e.g., a computer). Representative claim 16 is reproduced below.[1]

16. A method for minimizing image naming conflicts in a digital camera that stores a plurality of images as image data, the method comprising the steps of:

(a) incrementing a count in response to an image being captured, the count being a non-repeating number of a total number of images captured by the digital camera;

(b) associating the count with the image data of the captured image;

(c) receiving image data from an external source, wherein the image data from the external source is associated with a count;

(d) comparing the count associated with the image data from the external source with the count associated with the image data of the captured image; and

[1] Instant claim 16, as submitted in the amendment filed via facsimile on January 12, 1999, and additional claims, have been marked through by red ink in the file wrapper as if canceled by an amendment "E." Amendment "E," however, is apparently refers to the reply filed by appellants on March 22, 2000, which did not amend the claims, in response to the final rejection. Further, the outside of the file wrapper erroneously lists the final rejection (Paper No. 16) as mailing March 22, 2000, with a "certificate of mailing" date of March 16, 2000. We regard the instant claims as last amended by appellants on November 22, 1999 (Paper No. 15; COM Nov. 15, 1999). We note that the amendment of Paper No. 15 is also marked through by red ink, as if canceled by amendment "E."

(e) in response to a conflict, automatically generating a unique image name for the image data from the external source using the count associated with the image data from the external source.

The examiner relies on the following reference:

Kuba et al. (Kuba)	5,806,072	Sep. 8, 1998 (filed Dec. 21, 1992)

Claims 2, 6, and 14-19 stand rejected under 35 U.S.C. § 102 as being anticipated by Kuba.

We refer to the Final Rejection (Paper No. 16) and the Examiner's Answer (Paper No. 27) for a statement of the examiner's position and to the Brief (Paper No. 26) for appellants' position with respect to the claims which stand rejected.

OPINION

Kuba describes an electronic imaging apparatus (e.g., a digital still camera) having a hierarchical image data structure for computer-compatible image data management. The camera generates a unique file name for an image, in the format shown in Figure 144. The file name comprises a fixed portion, a date and time calculation result, a serial number, and an auxiliary file name (file extension). The date and time calculation is based on an actual date and time, as known to the camera, and generated using a hash function that is depicted in Figure 145. Col. 50, ll. 12-50.

Kuba recognizes that a memory card, when loaded into the camera, may have an image file name identical to one that may be generated by the camera (Fig. 147). In that event, as shown in Figure 148, a second image file that would otherwise have the same name as that already stored on the memory card has the "serial number" portion incremented from "02" to "03," and thus stored with a unique file name. Col. 50, l. 51 - col. 51, l. 30; Figure 149.

We disagree with appellants' view that Kuba fails to teach incrementing a count in response to an image being captured. Kuba discloses incrementing the "serial number" portion of an image file name when the file is to be stored in memory. As made clear in the flow chart of Figure 151, described at column 51, lines 31 through 46, after an image is acquired (step S372), the serial number is incremented (step S377) to produce a file name (S378), with the algorithm for avoiding duplicate names performed at step S379. Further, comparing Figure 146, with first and second stored images when there is no conflict between file names, with Figure 148, when there is a conflict, it is seen that the serial number may be incremented once (Fig. 146) or twice (Fig. 148). Further, appellants have not shown why the reference's hash algorithm result, based on a unique date and time, in combination with the serial number may not be considered a "non-repeating number of a total number of images captured by the digital camera," as expressed by representative claim 18.

However, we disagree with a critical finding by the examiner, and therefore are in ultimate agreement with appellants. The rejection, as set forth in the Answer,

correlates the claim 19 "input/output means for receiving new image data from an external source" with card I/F 109 (Fig. 140) of Kuba, which is connected to external memory card 116. The rejection goes on to state that the Kuba camera generates a unique image name for the image data from an external source, and if a conflict exists with a "stored image name," the camera changes the imported image name to a new image name.

Kuba does not describe the operations attributed to it by the rejection. In particular, in the sections of the reference upon which the rejection relies, Kuba describes generating a name for a captured image, and changing that name if the name conflicts with a previously stored name, rather than changing the name of an image file that is received from an external source. As shown in the block diagram of Figure 140 (described at col. 49, ll. 29-60), an object image is acquired by means of image pick-up electronics 102, compressed, and named, prior to storage in memory card 116. As we have described previously herein, the data file name for the captured image is adjusted as necessary, as opposed to generating a new name for the image file from an external source. Although pre-existing image files in memory card 116 may fairly be regarded as image data from an external source, those file names are not changed, but instead are the basis for determining whether the file names for subsequently captured images should be adjusted.

Since Kuba fails to disclose each and every limitation of any of the respective independent claims, we do not sustain the rejection of claims 2, 6, and 14-19 under 35 U.S.C. § 102 as being anticipated by Kuba.

CONCLUSION

The rejection of claims 2, 6, and 14-19 under 35 U.S.C. § 102 as being anticipated by Kuba is reversed.

REVERSED

LEE E. BARRETT Administrative Patent Judge	)
LANCE LEONARD BARRY Administrative Patent Judge	) BOARD OF PATENT) APPEALS) AND) INTERFERENCES
HOWARD B. BLANKENSHIP Administrative Patent Judge	)

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